

- thereof, whereby neuron degeneration is ameliorated, classified in class 532, subclass 1;
- (II) Claims 1, 3 and 4-8 (each in part), identified by the Examiner as being directed to a method for treating a neurodegenerative disease in a mammal, comprising administering to said mammal a vaccine composition containing diphtheria toxin which will inhibit and/or reverse ADP-ribosylation of elongation factor-e (EF-2) in neuronal cells thereof, whereby neuron degeneration is ameliorated, classified in class 424, subclass 239.1;
- (III) Claims 1, 3, 4 and 9-14 (each in part), identified by the Examiner as being directed to a method for treating a neurodegenerative disease in a mammal, comprising administering to said mammal an antibody which will inhibit and/or reverse ADP-ribosylation of elongation factor-e (EF-2) in neuronal cells thereof, whereby neuron degeneration is ameliorated, classified in class 424, subclass 130.1;

- (IV) Claims 15-19 and 21-26, identified by the Examiner as being directed to a method of determining if an agent is useful for treating a neurodegenerative disease, classified in class 435, subclass 6; and
- (V) Claim 20, identified by the Examiner as being directed to an agent effective in preventing inhibition of translation by diphtheria toxin or exotoxin A, classification dependent upon agent structure.

Applicants elect the subject matter of group (II), Claims 1, 3 and 4-8, for prosecution in this application. This election is made with traverse.

The restriction is improper to the extent that it attempts to require restriction of the generic method recited in claim 1 to the species of the method recited in claims 4-8. Claims 1, 3 and 4 are linking claims linking the methods identified above in Groups (I), (II) and (III). Restriction practice of applications including claims to distinct inventions and claims linking the distinct inventions is governed by the provisions of MPEP §§ 809 - 809.04. As noted in MPEP § 809, page 800-48 (August 2001), lines 1-4 of the

sixth paragraph:

The linking claims must be examined with the invention elected, and should any linking claim be allowed, the restriction requirement must be withdrawn.

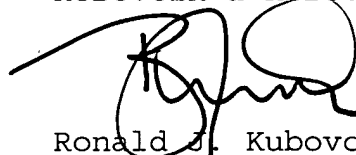
Modification of the restriction requirement is in order. The Office is respectfully requested to issue a new requirement in accordance with the guidelines of MPEP §§ 809 - 809.04.

The foregoing is believed to be a complete and proper response to the Office Action dated September 30, 2002. A favorable action on the merits of the elected subject matter is believed to be in order and is respectfully solicited.

In the event any fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,

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